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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,884	03/10/2004	Eugenio Mannella	67,167-003/5706-03	5075
26096	7590	01/12/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			BARRETT, SUZANNE LALE DINO	
		ART UNIT		PAPER NUMBER
				3676

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/797,884	MANNELLA, EUGENIO
	Examiner Suzanne Dino Barrett	Art Unit 3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on 11/2/05. These drawings are not approved for the reasons set forth below.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both a portion of the lock core 14 in Figures 1 and 2 and the revised spindle assembly of amended Figure 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plug "32" attached to the spindle mechanism of Figures 12,13 and the rod "64" must be shown or the feature(s) canceled from the claim(s). Note that in Figures 11 and 13, it is still not clear

where element "64" is. Furthermore, where is the torque blade "38" in the drawing figures 11 and 13?

No new matter should be entered.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: rod "64" in Figures 11,13 and torque blade "38" in Figures 11,13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 3,10,14,17-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The description on page 5 of the embodiment shown in Figures 11-13 is still confusing and not clearly understood. As described on page 5, drawing Figure 11 shows the housing (spindle assembly) 12 attached at one end to the plug assembly 14 and at the other end (right end) to a spindle assembly 60. However, Figure 12 shows the same structure previously identified as the housing 12' in Figure 11, now discussed as being the spindle assembly 60, and with that assembly 60 attached to an unlabeled

member on the left end and another unlabeled portion on the right end further provided with a female portion 62 with opposed cams 66 which, as discussed on page 5, line 10, engages the plug 32. It is further noted that Figure 13 does not label elements 60 and 64. It is not understood how or where the plug 32 and accompanying torque blade 38 fit into the spindle assembly of Figures 11-13. Furthermore, regarding Figure 13, since the element 62 appears to be fitted to the previously disclosed plug male elements 44,50,42, it is unclear how the plug torque blade 38 fits into the spindle assembly 60 in Figures 11-13. Applicant is requested to further clarify the discrepancies between the disclosure and drawings to obviate this rejection and the confusion.

In addition, claims 3,14 and 20 still present another issue which needs clarification. In claim 3, in the recitation that the second engagement member (46) comprising a circular member 50 and stop 52 extending therefrom, it is unclear how the stop 52 can **define** an outer diameter. In claims 14 and 20, it is unclear how the second engagement member (described as rectangular element 46 on page 4 and 5 of the specification) can have a diameter, let alone **define** a diameter? (as recited in claim 14 and 20, "said second engagement member defines an outer diameter"). Note that a diameter is conventionally defined as a line segment through the center of a circle or sphere terminating at the periphery.

Claim Objections

7. Claims 21 and 23 are objected to because of the following informalities: in claim 21, line 1, there is no antecedent basis for "said male end" (it should be --said male rear

segment--, as now amended in claim 17) ; in claim 23, line 3, "retaining" should be – retain--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1,4,5-7,9,10-13,15-19,21-23 are, as best understood, rejected under 35 U.S.C. 102(b) as being anticipated by Neary 4,068,510. Neary teaches a lock and spindle assembly housing comprising a barrel and plug 59 having a rear male segment (end of key 68 as shown in Fig. 8) with first engagement member and second engagement member (formed by the perpendicular ends of the key 68 as shown in Fig. 8), and a spindle rod 49/74 having a female end which is engaged within a recessed portion of the plug end male rear segment and having cam segments (shown in various embodiments in Figs. 5,6,9) to receive the male member key end 68 (see Fig. 8) and further comprising a cylindrical retainer 71 which engages the grooves (threads) in the plug rear segment.

10. Claims 1-3,5-7,9,11-14,16-20,22,23 are, as best understood, rejected under 35 U.S.C. 102(b) as being anticipated by Deckert 4,444,033. Deckert teaches a lock and spindle assembly housing comprising a barrel and plug 132 having a rear male segment (at 139,156,158 in Figure 18) with first engagement member (at 139) and second

perpendicular engagement member 156 and a spindle rod 142 having a female end 144,146,152 (female end is hole in 152 which receives male pin member 156) which is engaged with a portion of the plug end male rear segment and having cam segments 144,146 to engage the male member and further comprising a cylindrical retainer 140 which engages the grooves (threads) in the plug rear segment.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neary 4,068,510 or Deckert 4,444,033 in view of Jacobi 2,348,135. Jacobi teaches a frustum-conical shaped retainer (at 32 in Figure 1). It would have been obvious to modify the retainer of either Neary or Deckert to have a frustum-conical shaped retainer as taught by Jacobi as an obvious matter of design choice to prevent tampering by providing an anti-drill sloped surface.

Response to Arguments

13. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

In view of Applicant's declaration, the Huang reference has been withdrawn. In response to Applicant's amendments, the claims are now rejected as set forth above.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb